

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Committee Substitute for Senate Bill No. 178, Page 2, Section 56.700, Line 49, by
2 inserting after all of said section and line the following:

3
4 "210.116. Notwithstanding any other provision of law, no child who is or is suspected to be
5 the victim of abuse and neglect shall be denied access to mental health care and treatment, regardless
6 of the person or entity responsible for the child's care, custody, and control.

7 210.160. 1. In every case involving an abused or neglected child which results in a judicial
8 proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

9 (1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165,
10 sections 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to 453.170,
11 RSMo, or proceedings to determine custody or visitation rights under sections 452.375 to 452.410,
12 RSMo; or

13 (2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent, and
14 whose child is the subject of proceedings under sections 210.110 to 210.165, sections 210.700 to
15 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to 453.170, RSMo.

16 2. The guardian ad litem shall be provided with all reports relevant to the case made to or by
17 any agency or person, shall have access to all records of such agencies or persons relating to the child
18 or such child's family members or placements of the child, and upon appointment by the court to a
19 case, shall be informed of and have the right to attend any and all family support team meetings
20 involving the child. Employees of the division, officers of the court, and employees of any agency
21 involved shall fully inform the guardian ad litem of all aspects of the case of which they have
22 knowledge or belief.

23 3. The appointing judge shall require the guardian ad litem to faithfully discharge such
24 guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and
25 appoint another. The appointing judge shall have the authority to examine the general and criminal
26 background of persons appointed as guardians ad litem, including utilization of the family care
27 safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and
28 welfare of the children such persons are appointed to represent. The judge in making appointments
29 pursuant to this section shall give preference to persons who served as guardian ad litem for the child
30 in the earlier proceeding, unless there is a reason on the record for not giving such preference.

31 4. The guardian ad litem may be awarded a reasonable fee for such services to be set by the
32 court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the
33 proceedings or from public funds. However, no fees as a judgment shall be taxed against a party or
34 parties who have not been found to have abused or neglected a child or children. Such an award of
35 guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment
36 shall be enforceable against the parties in accordance with chapter 513, RSMo.

37 5. The court may designate volunteer advocates, who may or may not be attorneys licensed

Action Taken _____ Date _____

1 to practice law, to assist in the performance of the guardian ad litem duties for the court.
2 Nonattorney volunteer advocates shall not provide legal representation. The court shall have the
3 authority to examine the general and criminal background of persons designated as volunteer
4 advocates, including utilization of the family care safety registry and access line pursuant to sections
5 210.900 to 210.937, to ensure the safety and welfare of the children such persons are designated to
6 represent. The volunteer advocate shall be provided with all reports relevant to the case made to or
7 by any agency or person, shall have access to all records of such agencies or persons relating to the
8 child or such child's family members or placements of the child, and upon designation by the court to
9 a case, shall be informed of and have the right to attend any and all family support team meetings
10 involving the child. Any such designated person shall receive no compensation from public funds.
11 This shall not preclude reimbursement for reasonable expenses.

12 6. Any person appointed to perform guardian ad litem duties shall have completed a training
13 program in:

14 (1) Child abuse and neglect. The requirement of this subsection shall be satisfied if the
15 guardian ad litem has a degree or significant training and experience in a mental health profession;
16 and

17 (2) Permanency planning [and]. The guardian ad litem shall advocate for timely court
18 hearings whenever possible to attain permanency for a child as expeditiously as possible to reduce
19 the effects that prolonged foster care may have on a child.

20
21 A nonattorney volunteer advocate shall have access to a court appointed attorney guardian ad litem
22 should the circumstances of the particular case so require."; and
23

24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.